

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #13	CCRB Case #: 201609781	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 11/26/2016 5:50 PM	Location of Incident: Linden Boulevard and Fountain Avenue	Precinct: 75	18 Mo. SOL 5/26/2018	EO SOL 5/26/2018	
Date/Time CV Reported Mon, 11/28/2016 8:22 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 11/28/2016 8:22 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephan Carr	02540	948751	075 PCT
2. POM David Oyague	01807	953159	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephan Carr	Abuse: PO Stephan Carr stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.POM David Oyague	Abuse: PO David Oyague stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
C.POM Stephan Carr	Abuse: PO Stephan Carr issued a summons to § 87(2)(b)	[REDACTED]

Case Summary

On November 28, 2016, Terrance § 87(2)(b) filed this complaint in person with the CCRB.

On November 26, 2016, at approximately 6:00 p.m., § 87(2)(b) was driving alone in his gray 2007 Toyota Sienna heading westbound on Loring Avenue, in Brooklyn. He approached the intersection of Euclid Avenue and Loring Avenue, where he came to a full stop at a stop sign. After continuing through the intersection, he drove two more blocks until he was pulled over at the intersection of Fountain Avenue and Linden Boulevard by PO Stephan Carr and PO David Oyague of the 75th Precinct (**Allegations A and B**). PO Carr issued him a moving violation summons for disobeying the stop sign at Euclid Avenue and Loring Avenue (**Allegation C**), and § 87(2)(b) was released. The summons issued to § 87(2)(b) had listed the wrong year of incident as November 26, 2017.

Video Footage

- § 87(2)(b) had two dashboard mounted video cameras recording the incident: one facing out his front windshield and one out his rear windshield. They recorded audio and video during the car stop. § 87(2)(b) explained in his interview that the time stamp on the footage is one hour ahead, as he had not changed it for daylight savings yet. The footage shows § 87(2)(b) coming to a full stop at a stop sign at the intersection of Loring Avenue and Euclid Avenue, prior to being stopped by a marked police car.

- Front facing camera:



Front facing camera.mp4

- Rear facing camera:



Rear facing camera.mp4

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- Mediation was presented to § 87(2)(b) in person during his interview on November 26, 2016. He rejected it, § 87(2)(b).
- A request for any Notice of Claim related to this incident was sent to the New York City Comptroller's Office on January 25, 2017. No response has been received as of the date of this report (Board Review 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] (Board Review 02).

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed two prior complaints with the CCRB (Board Review 03):

- § 87(2)(b)

§ 87(2)(b)

- PO Carr has been the subject of three prior allegations of misconduct across three separate CCRB cases during his six year tenure with the NYPD. One of the allegations concerned an improper search of a person, and it was closed without an investigation. None of the allegations made against PO Carr have been substantiated (Board Review 04).
- PO Oyague has been the subject of five previous allegations of misconduct across two CCRB cases during his four year tenure with the NYPD. Two of these allegations have been substantiated (Board Review 05):
 - In case 201605625, PO Oyague was found to have made an improper threat of arrest and refused to process a civilian complaint of police misconduct. In this case, PO Oyague was also found to have provided a false official statement. The CCRB recommended a command discipline and the NYPD has yet to reach a disposition on this case.

Findings and Recommendations

Allegations not pleaded

- § 87(2)(b) § 87(2)(g)

Allegation A – Abuse of Authority: PO Stephan Carr stopped the vehicle in which

§ 87(2)(b) **was an occupant.**

Allegation B – Abuse of Authority: PO David Oyague stopped the vehicle in which

§ 87(2)(b) **was an occupant.**

Allegation C – Abuse of Authority: PO Stephan Carr issued a summons to § 87(2)(b)

§ 87(2)(b) stated that he came to a full stop at the stop sign at the intersection of Euclid Avenue and Loring Avenue, and then was pulled over and issued a summons for disobeying that stop sign (Board Review 06). Despite the fact that he was interviewed less than two months after the incident date, PO Carr could not recall the stop, even after reviewing the summons that he wrote § 87(2)(b) and the video footage of the incident; however, he did identify himself as one of the officers in the video. He could not explain why he stopped § 87(2)(b) despite that the footage showed § 87(2)(b) come to a full stop at the stop sign. During his CCRB interview, PO Carr was asked to explain why the summons (Board Review 09) he issued to § 87(2)(b) listed the date of the incident as November 26, 2017, a date that has not yet occurred, and he stated that it was an error (Board Review 07).

PO Oyague stated that he and PO Carr observed § 87(2)(b) run the stop sign, and then stopped him for it. PO Carr wrote him a summons. PO Oyague could not recall any additional details, such as where he had observed the infraction from. He was unable to explain why the

video footage showed § 87(2)(b) coming to a complete stop at the intersection of Euclid Avenue and Loring Avenue, but confirmed that the footage did represent the incident and identified himself in the video (Board Review 08).

The video footage shows that § 87(2)(b) came to a full stop at the stop sign at an intersection two blocks before he is pulled over. On January 20, 2016, the Field Team visited this location and took several photographs. When matched with the video provided by § 87(2)(b) they clearly show that the intersection in the video at which § 87(2)(b) came to a full stop was Euclid Avenue and Loring Avenue.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date